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General Assembly
Fifty-second Session

Official Records

72nd plenary meeting
Monday, 15 December 1997, 3 p.m.
New York

President: Mr. Udovenko ..... (Ukraine)

The meeting was called to order at 3.10 p.m.

Postponement of date of recess

The President: Before we proceed to take up the items scheduled for this afternoon, I should like to draw the attention of Members to a matter relating to the date of recess.

Members will recall that at the 4th plenary meeting, on 19 September, the General Assembly decided that the fifty-second session should recess on 16 December 1997. However, the Assembly will not be able to conclude its work on Tuesday, 16 December 1997. I should therefore like to propose to the Assembly that it postpone its date of recess until 19 December 1997.

If there is no objection, I will take it that the Assembly agrees to this proposal.

It was so decided.

Programme of work

The President: I should now like to make an announcement concerning the programme of work of the General Assembly for the next few days.

On Wednesday, 17 December, in the morning, the General Assembly will take up agenda item 41, "Assistance in mine clearance".

On Thursday, 18 December, in the morning, the General Assembly will take up agenda item 51, "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986"; agenda item 52, "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the non-proliferation of nuclear weapons and international peace and security"; agenda item 53, "Consequences of the Iraqi occupation of and aggression against Kuwait"; agenda item 54, "Implementation of the resolutions of the United Nations"; agenda item 56, "Launching of global negotiations on international economic cooperation for development"; agenda item 55, "Question of the Comorian island of Mayotte" and agenda item 3 (b), "Report of the Credentials Committee".

In the afternoon of Thursday, 18 December, the General Assembly will take up the reports of the Second Committee.

On Friday, 19 December, in the afternoon, the General Assembly will take up the reports of the Fifth Committee.

I should like to point out that there are still some agenda items for which no date has yet been indicated. I will announce the dates for the consideration of those

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items as soon as they are scheduled. I will also keep the Assembly informed of any additions or changes.

Reports of the Sixth Committee

The President: This afternoon the General Assembly will consider the reports of the Sixth Committee on agenda items 144 to 152 and 155.

I request the Rapporteur of the Sixth Committee to introduce the reports of the Sixth Committee in one intervention.

Mr. Obeid (Syrian Arab Republic), Rapporteur of the Sixth Committee: I have the honour of presenting to the General Assembly the reports of the Sixth Committee on the 10 agenda items allocated to it, namely items 144 to 152, and 155. The reports are contained in document A/52/645 through A/52/654. The Sixth Committee has adopted 16 draft resolutions this year, all of them except one without a vote.

I will start my presentation with the report of the Sixth Committee on agenda item 144, entitled "Convention on jurisdictional immunities of States and their property", which is contained in document A/52/645. The draft resolution that the Sixth Committee recommends to the General Assembly for adoption is contained in paragraph 7 of the report.

Under the operative part of the draft resolution, the General Assembly would decide to consider this item again at its fifty-third session with a view to the establishment of a working group at its fifty-fourth session, taking into account the comments submitted by States in accordance with resolution 49/61, and would urge States, if they have not yet done so, to submit to the Secretary-General their comments in accordance with paragraph 2 of resolution 49/61. The Sixth Committee adopted the draft resolution under item 144 without a vote, and I hope that the Assembly will find it possible to do likewise.

I turn now to the report of the Sixth Committee contained in document A/52/646, which is submitted under agenda item 145, entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The draft resolution that the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of the report.

Under the operative paragraphs of the draft resolution, the General Assembly would, *inter alia*, approve the guidelines and recommendations contained in the report of the Secretary-General and which provide for the award of a number of international law fellowships and travel grants, both in 1998 and 1999. It would also approve the establishment of the United Nations Audiovisual Library in International Law. The General Assembly would request the Secretary-General to continue to provide the necessary resources to the programme budget for the Programme of Assistance for the next and future bienniums, and to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the various components of the Programme. It would also request the Secretary-General to report to the General Assembly at its fifty-fourth session on the implementation of the Programme during 1998 and 1999 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

The Sixth Committee adopted the draft resolution under item 145 without a vote, and I hope that the Assembly will be in a position to do the same.

I now turn to the report of the Sixth Committee contained in document A/52/647, which is submitted under agenda item 146, entitled "United Nations Decade of International Law". The three draft resolutions that the Sixth Committee recommends to the General Assembly for adoption are contained in paragraph 14 of the report.

Under the operative part of draft resolution I, entitled "United Nations Decade of International Law", the General Assembly would, *inter alia*, invite all States and relevant international organizations and institutions to provide, update or supplement information to the Secretary-General on activities they have undertaken in the Decade's implementation. The Assembly would also encourage States to consider ratifying or acceding to the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, and would encourage international organizations that have signed the Convention to deposit an act of formal confirmation of the Convention and other international organizations entitled to do so to accede to it at an early date.

The Assembly would also encourage States parties and international organizations or agencies, including depositaries, to provide, where available, a copy of the text of any treaty in electronic format and to consider providing where available translations in English or French or both, as may be needed, for the purposes of assisting with the timely publication of the United Nations *Treaty Series*. Furthermore, the Assembly would invite the Secretary-General to apply the provisions of article 12, paragraph 2, of the Regulations to give effect to Article 102 of the Charter of the United Nations to multilateral treaties falling within the terms of article 12, paragraph 2 (a) to (c), of said Regulations.

The Assembly would also encourage the Secretary-General to continue developing a policy of providing Internet access to the United Nations *Treaty Series* and the *Multilateral Treaties Deposited with the Secretary-General*, keeping in mind especially the needs of developing countries, in recovering the costs thereof. The Assembly would furthermore request the Secretary-General to proceed to translate and publish in the form of a report issued in the official languages of the United Nations a list of the titles of the treaties appearing in the publication *Multilateral Treaties Deposited with the Secretary-General*, and to ensure that hard copies of these two documents shall continue to be distributed to permanent missions free of charge in accordance with their needs.

Under the operative part of draft resolution II, entitled "Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", the General Assembly would, *inter alia*, welcome the Programme of Action dedicated to the centennial of the first International Peace Conference, presented by the Governments of the Kingdom of the Netherlands and of the Russian Federation, which aims at contributing to the further development of the themes of the first and second International Peace Conferences and could be regarded as a third international peace conference.

The Assembly would also encourage the Governments to which I just referred to proceed with the implementation of the Programme of Action, and would encourage all States to participate in the activities set out in the Programme, to initiate such activities, and to coordinate their efforts in this respect at the global, regional and national levels, and to take appropriate measures to ensure universal participation in activities pursuant to the Programme, with special consideration for the participation of representatives of least-developed countries. The Assembly would also encourage the competent United Nations organs, subsidiary organs, programmes and specialized agencies, and the Secretariat, within their respective mandates, competencies and budgets, as well as other international organizations, to cooperate in the implementation of the Programme, to coordinate their efforts in this respect and to consider participation in the activities envisaged in the Programme of Action.

By the operative part of draft resolution III, entitled "Draft guiding principles for international negotiations", the General Assembly would decide to continue consideration of this sub-item in the Working Group on the United Nations Decade of International Law during the fifty-third session of the General Assembly. It would also invite all States and relevant international organizations to submit to the Secretary-General, before 1 August 1998, comments and proposals on the content of the "Draft guiding principles for international negotiations", which would be transmitted to the Working Group for its consideration.

The Sixth Committee adopted the three draft resolutions under agenda item 146 without a vote, and I trust that the General Assembly will do likewise.

I turn now to the report of the Sixth Committee on agenda item 147, "Report of the International Law Commission on the work of its forty-ninth session", which is contained in document A/52/648. The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is to be found in paragraph 11 of that report. By the operative part of the draft resolution, the Assembly would, *inter alia*, express its appreciation to the International Law Commission for the work accomplished at its forty-ninth session, and would draw the attention of Governments to the importance, for the International Law Commission, of having their views on all the specific issues identified in chapter III of its report. The Assembly would also recommend that the Commission, taking into account the comments and observations of Governments, should continue its work on the topics in its current programme. It would take note of the decision by the International Law Commission to proceed with its work on "International liability for injurious consequences arising out of acts not prohibited by international law", undertaking, as a first step, the issue of prevention, and would endorse the Commission's decision to include in its agenda the topics "Diplomatic protection" and "Unilateral acts of States".

The Assembly would additionally welcome with appreciation the steps taken by the Commission in relation to its internal matters, and would encourage it to continue enhancing its efficiency and productivity. It would take note of the Commission's comments on the question of a split session for 1998, and of the Commission's position on the duration of its future sessions. The Assembly would also note that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the Commission and in formulating their comments and observations; it would express its appreciation to the Secretary-General for the organization of a colloquium on the progressive development and codification of international law, which was held on 28 and 29 October 1997, and would welcome the decision of the International Law Commission to hold a two-day seminar at Geneva on 22 and 23 April 1998 to celebrate the fiftieth anniversary of the Commission.

I draw the attention of the Assembly to paragraph 16 of the draft resolution, by which the Assembly would appeal to States that can do so to make the voluntary contributions that are urgently needed for the holding of seminars in conjunction with the sessions of the International Law Commission.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will find it possible to do the same.

I turn now to document A/52/649, which contains the report of the Sixth Committee on agenda item 148, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirtieth session". The two draft resolutions which the Sixth Committee recommends to the General Assembly for adoption are reproduced in paragraph 10 of that report. By the operative part of draft resolution I, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirtieth session", the General Assembly would, *inter alia*, take note with appreciation of the report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its thirtieth session and would note with satisfaction the completion and adoption by the Commission of the Model Law on Cross-Border Insolvency. It would commend the Commission for the progress made in its work on receivables financing, digital signatures and certification authorities, privately financed infrastructure projects and the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, and would invite States to nominate persons to work with the private foundation established to encourage assistance to the Commission from the private sector. The Assembly would also reaffirm the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field. It would additionally reaffirm the importance, in particular for developing countries, of the work of the Commission concerned with training and technical assistance in the field of international trade law, and would express the desirability of increased efforts by the Commission, in sponsoring seminars and symposia, to provide such training and technical assistance. The Assembly would also appeal to Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for travel assistance to developing countries that are members of the Commission, and would decide to continue its consideration in the competent Main Committee during the fifty-second session of the General Assembly of granting travel assistance to the least-developed countries that are members of the Commission. It would also stress the importance of bringing into effect the conventions emanating from the Commission's work for the global unification and harmonization of international trade law, and to this end urge States that have not yet done so to consider signing, ratifying or acceding to those conventions.

Under the operative part of the draft resolution II, entitled "Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law", the General Assembly, would, after expressing its appreciation to the United Nations Commission on International Trade Law (UNCITRAL) for completing and adopting the Model Law on Cross-Border Insolvency contained in the annex to the draft resolution, request the Secretary-General to transmit the text of the Model Law, together with the Guide to Enactment of the Model Law prepared by the Secretariat, to Governments and other interested bodies. It would also recommend that all States review their legislation on cross-border aspects of insolvency to determine whether the legislation meets the objectives of a modern and efficient insolvency system and, in that review, give favourable consideration to the Model Law, bearing in mind the need for an internationally harmonized legislation governing instances of cross-border insolvency.

The Sixth Committee adopted both resolutions without a vote, and I hope the General Assembly will do the same.

May I now turn to the report of the Sixth Committee in document A/52/650, which is submitted under agenda item 149, entitled "Report of the Committee on Relations with the Host Country". The Sixth Committee recommends to the General Assembly for adoption the draft resolution in paragraph 15 of the report.

In the operative part of the draft resolution, the General Assembly would, *inter alia*, endorse the recommendations and conclusions of the Committee on Relations with the Host Country, request the host country to continue to take all measures necessary to prevent any interference with the functioning of missions and express the hope that problems raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law. The Assembly would also welcome the efforts of the Committee aimed at identifying affordable health care programmes for the diplomatic community. Furthermore, it would again urge the host country to consider lifting travel controls with regard to certain missions and staff members of the Secretariat of certain nationalities and call upon the host country to review measures and procedures relating to the parking of diplomatic vehicles, with a view to responding to the growing needs of the diplomatic community in a manner that is fair, non-discriminatory, efficient and consistent with international law, with due regard to diplomatic privileges and immunities and to the proposals made in the Committee and its working group on the use of diplomatic motor vehicles.

The Assembly would also request the Committee to review its membership and composition, with the participation of observers, to consider proposals regarding its membership and composition, and to report on the results of its deliberations to the Sixth Committee of the General Assembly at its fifty-third session.

Even though the Sixth Committee adopted this draft resolution by a vote, it is my sincere hope that the Assembly will be in a position to adopt the draft resolution without a vote.

Mr. Mwamba Kapanga (Democratic Republic of the Congo), Vice-President, took the Chair.

I now turn to the report of the Sixth Committee presented under agenda item 150, entitled "Establishment of an international criminal court", which is contained in document A/52/651. The recommendation of the Sixth Committee under this item is to be found in paragraph 9 of the report.

In the operative part of the proposed draft resolution, the General Assembly would, *inter alia*, accept with deep appreciation the generous offer of the Government of Italy to act as host to the diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court; would request the Preparatory Committee on the Establishment of an International Criminal Court to continue its work in accordance with General Assembly resolution 51/207 and, at the end of its sessions, to transmit to the Conference the text of a draft convention on the establishment of an international criminal court, prepared in accordance with its mandate. The Assembly would decide that the Conference, open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency, shall be held in Rome from 15 June to 17 July 1998, with a view to finalizing and adopting a convention on the establishment of such a court, and would request the Secretary-General to invite those States to the Conference.

The Assembly would also request the Secretary-General to prepare the text of the draft rules of procedure of the Conference, to be submitted to the Preparatory Committee for its consideration and recommendations to the Conference, with a view to the adoption of such rules by the Conference. Furthermore, the Assembly would urge participation in the Conference by the largest number of States so as to promote universal support for an international criminal court and, in this connection, would note with appreciation the decision by the Secretary-General, pursuant to General Assembly resolution 51/207, to establish a trust fund for the participation of the least developed countries in the work of the Preparatory Committee and in the Conference. It would welcome the decision by a number of States to make contributions to the trust fund, would encourage States to contribute voluntarily to the fund and would request the Secretary-General to establish another similar trust fund for other developing countries not covered by the initial trust fund.

The Assembly would also request the Secretary-General to invite to the Conference, as observers, representatives of organizations and other entities that have received a standing invitation from the General Assembly to participate, in the capacity of observers, in

its sessions and work, as well as representatives of interested regional intergovernmental organizations, other interested international bodies, including the International Tribunals for the former Yugoslavia and for Rwanda, and non-governmental organizations, under specific rules detailed in the draft resolution.

The Sixth Committee adopted the draft resolution without a vote, and it is my hope that the Assembly will be in a position to do the same.

I turn next to document A/52/652, containing the report of the Sixth Committee under agenda item 151, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". The three draft resolutions which the Sixth Committee recommends to the General Assembly for adoption are in paragraph 16 of the report.

In the operative part of the draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", the General Assembly would, *inter alia*, decide that the Special Committee will hold its next session from 26 January to 6 February 1998 so as to carry out its mandate, as described in paragraph 3, regarding the maintenance of international peace and security, the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions, the peaceful settlement of disputes between States and proposals concerning the Trusteeship Council. The Assembly would also invite Member States, the States parties to the Statute of the International Court of Justice and the International Court of Justice, if it so desires, to present, before the fifty-third session of the General Assembly, and on the understanding spelt out in the draft resolution, their comments and observations on the consequences that the increase in the volume of cases before the Court has on its operation.

It would request the Secretary-General to make every effort to implement in a timely manner the steps proposed in his report regarding the preparation and publication of the supplements to the *Repertoire of the Practice of the Security Council* and the *Repertory of Practice of United Nations Organs*, and would invite the Special Committee at its session in 1998 to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, to discuss how to offer its assistance to the working groups of the General Assembly in this field and, in this regard, to consider ways and means of improving coordination between the Special Committee and other working groups dealing with the reform of the Organization, including the role of the Chairperson of the Special Committee for this purpose.

The Sixth Committee decided without a vote to recommend this draft resolution, and I trust that the General Assembly will be in a position to adopt it, also without a vote.

In the operative part of draft resolution II, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", the General Assembly would, *inter alia*, renew its invitation to the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for consultations as early as possible under Article 50 of the Charter of the United Nations with such third States, with regard to a solution of their problems, including appropriate ways and means for increasing the effectiveness of its methods and procedures applied in the consideration of requests by the affected countries for assistance.

The Assembly would also welcome once again the further measures taken by the Security Council aimed at increasing the effectiveness and transparency of the sanctions committees, would invite the Council to implement those measures and would request the Secretary-General to pursue implementation of the provisions of General Assembly resolutions 50/51 and 51/208, concerning guidelines on technical procedures, the collation and coordination of information and methodology for assessing adverse consequences incurred by third States. In this connection, the Assembly would also endorse the proposal of the Secretary-General that an ad hoc expert group meeting be convened in the first half of 1998 with a view to developing a possible methodology for assessing the consequences actually incurred by third States as a result of preventive or enforcement measures, requesting that due regard be given by the expert group to the particular problems and needs of developing countries confronted by such special economic problems. It would also endorse the recommendation of the Secretary-General that the expert group explore innovative and practical measures of assistance that could be provided by the relevant organizations both within and outside the United Nations system to the affected third States.

The Sixth Committee adopted the draft resolution without a vote, and I hope that the Assembly will do the same.

Under the terms of draft resolution III, entitled "Amendment to rule 103 of the rules of procedure of the General Assembly", the General Assembly, taking into account the increasing workload of the Main Committees of the General Assembly, and considering that all regional groups should be represented in the Bureau of each of the Main Committees, would decide to amend the first sentence of rule 103 of the rules of procedure of the General Assembly to read:

> "Each Main Committee shall elect a Chairman, three Vice-Chairmen and a Rapporteur",

and would also decide that this amendment shall take effect as from the fifty-third session of the General Assembly.

The Sixth Committee adopted this draft resolution without a vote, and it is my hope that the General Assembly will do the same.

I will now turn to agenda item 152, entitled "Measures to eliminate international terrorism". The recommendations of the Sixth Committee under this item are contained in paragraph 18 of document A/52/653.

In the operative part of draft resolution I, entitled "International Convention for the Suppression of Terrorist Bombings", the General Assembly would adopt the text of the International Convention for the Suppression of Terrorist Bombings, annexed to the draft resolution, and would open the instrument for signing at United Nations Headquarters from 12 January 1998 until 31 December 1999. The Assembly would also urge all States to sign and ratify, accept or approve or accede to the annexed Convention.

The draft Convention consists of a preamble and 24 draft articles dealing with, *inter alia*, the definition of terms, the scope of the convention and the definition of an offence in terms of attempts, participation as an accomplice, organizing or directing others to commit the offence or contributing to the commission of one or more offences by a group of persons acting with a common purpose. The draft Convention also contains provisions dealing with the international character of an offence, the establishment of the offences defined in the draft Convention as offences under domestic law punishable by appropriate penalties, the establishment of jurisdiction over the offences defined in the draft Convention and the obligation of the State where the alleged offender is present to either extradite or try the alleged offender. Included in the draft Convention are also provisions on mutual assistance between the parties in connection with investigations or criminal or extradition proceedings, including provisions regulating the admissibility of the request for extradition, provisions regulating the transfer of detained persons for purposes of testimony, identification or otherwise providing assistance in obtaining evidence, provisions on the rights and judicial guarantees of the accused and on safeguards concerning the sovereign equality and territorial integrity of States and the rights, obligations and responsibilities of States and individuals under international law.

The Sixth Committee adopted without a vote the draft resolution to which the draft Convention is annexed, and I hope that the Assembly will do the same.

Under the terms of the operative part of draft resolution II recommended under this item, the General Assembly would, *inter alia*, strongly condemn all acts, methods and practices of terrorism as criminal and unjustifiable; reiterate its call upon all States to adopt further measures to prevent terrorism and to strengthen international cooperation in combating terrorism; reiterate its call upon all States to intensify the exchange of information on facts related to terrorism and to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities.

The Assembly would also urge all States that have not yet done so to consider, as a matter of priority, becoming parties to relevant instruments against international terrorism; reaffirm the mandate of the Ad Hoc Committee established by the General Assembly in its resolution 51/210; decide that the Ad Hoc Committee will meet from 16 February to 27 February 1998 to continue its work in accordance with the mandate provided in paragraph 9 of that resolution and recommend that the work continue during the fifty-third session of the General Assembly from 28 September to 9 October 1998 within the framework of a working group of the Sixth Committee.

The Sixth Committee adopted this draft resolution without a vote, and I am confident that the Assembly will do the same.

I now turn to the report of the Sixth Committee contained in document A/52/654, submitted under agenda

item 155, entitled "Amendment to article 13 of the statute of the United Nations Administrative Tribunal".

The draft resolution which the Sixth Committee recommends to the General Assembly for adoption under this item is in paragraph 7 of the report.

Under the terms of the draft resolution, the General Assembly would decide to amend article 13 of the statute of the United Nations Administrative Tribunal, with effect from 1 January 1998, so that new paragraphs 1, 2 and 4 shall be inserted to reflect the fact that, subject to the conditions established in the amendment, the competence of the Tribunal shall be extended to the staff of the Registry of the International Court of Justice; that the Tribunal shall be competent to hear and pass judgement upon applications alleging non-observance of the Regulations of the United Nations Joint Staff Pension Fund arising out of decisions of the United Nations Joint Staff Pension Board; and that the Tribunal's competence may also be extended, with the approval of the General Assembly, to any other international organization or entity established by a treaty and participating in the common system of conditions of service upon the terms set out in a special agreement between the organization or entity concerned and the Secretary-General of the United Nations.

The Sixth Committee adopted this draft resolution without a vote, and I trust that the General Assembly will do the same.

In conclusion, the work of the Sixth Committee this year may be characterized as very successful. It adopted a draft Convention for the Suppression of Terrorist Bombings. The draft Convention may not be perfect; however, it is useful and fills an important gap in our existing treaties.

Also important was the recommendation to the Assembly to convene a diplomatic Conference of Plenipotentiaries at Rome next year for the establishment of a permanent international criminal court. It has often been stressed that such a court could be one of the most important landmark achievements of the century.

Although its workload was very heavy, the Sixth Committee still managed successfully to have a two-day colloquium to commemorate the fiftieth anniversary of the International Law Commission.

The Sixth Committee's recommendation to amend rule 103 of the rules of procedures of the General Assembly is another important achievement. It enables each of the main Committees to be represented by all the regional groups in its Bureau. The protracted negotiations required by some of the main Committees during September and October to complete the election of their Bureau members fully demonstrated the usefulness of this amendment.

The Sixth Committee used its time efficiently. Its work was done through several working groups and a series of informal consultations. The Sixth Committee achieved all the above within a period which was one week shorter than the traditional length of its session. It has done more with less. The Sixth Committee has therefore already begun a process of reforming through concrete measures taken. This was made possible through the cooperation and assistance of all representatives.

(*spoke in French*)

I have completed my introduction of the items allocated to the Sixth Committee. I would now like to thank the Sixth Committee for the honour bestowed on my country, the Syrian Arab Republic, and on myself, by electing me Rapporteur of the Committee. I would also like to thank the President of the General Assembly and the other members of the Bureau for the assistance given to the Sixth Committee throughout this session.

Furthermore, I would like to thank all delegations for their attention to the introduction of the reports of the Sixth Committee, and the other members of the Bureau of the Sixth Committee for their valuable assistance to me, to the Chairman, Mr. Peter Tomka, and to the Vice-Chairmen, Mr. Rolf Welberts and Mr. Craig Daniell.

My thanks go also to the members of the Sixth Committee who have chaired working groups or who have coordinated informal consultations on various draft resolutions. The tireless efforts made by all these people considerably facilitated our work.

The Acting President: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The Acting President: Statements will therefore be limited to explanations of vote.

The positions of delegations regarding the recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

May I remind members that under paragraph 7 of decision 34/401, the General Assembly agreed that

> "When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, i.e., either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

May I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Before we begin to take action on the recommendations contained in the reports of the Sixth Committee, I should like to advise representatives that we are going to proceed to take decisions in the same manner as was done in the Sixth Committee, except in those cases where delegations have already notified the Secretariat otherwise. This means that where votes or separate votes were requested, we will follow the same procedure.

I should hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee.

Agenda item 144

Convention on jurisdictional immunities of States and their property

Report of the Sixth Committee (A/52/645)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report contained in document A/52/645.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 52/151).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 144?

It was so decided.

Agenda item 145

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Report of the Sixth Committee (A/52/646)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report contained in document A/52/646.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 52/152).

The Acting President: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 145?

It was so decided.

Agenda item 146

United Nations Decade of International Law

Report of the Sixth Committee (A/52/647)

The Acting President: The Assembly will now take decisions on the three draft resolutions recommended by the Sixth Committee in paragraph 14 of its report contained in document A/52/647.

The Sixth Committee adopted draft resolution I, entitled "United Nations Decade of International Law", without a vote.

May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 52/153).

The Acting President: The Sixth Committee adopted draft resolution II, entitled "Action to be taken dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law", without a vote.

May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 52/154).

The Acting President: The Sixth Committee adopted draft resolution III, entitled "Draft guiding principles for international negotiations", without a vote.

May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 52/155).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 146?

It was so decided.

Agenda item 147

Report of the International Law Commission on the work of its forty-ninth session

Report of the Sixth Committee (A/52/648)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 11 of its report contained in document A/52/648.

I give the floor to the representative of the Secretariat.

Mr. Jin Yongjian (Under-Secretary-General for General Assembly Affairs and Conference Services): I should like to inform members that the Fifth Committee, at its forty-first meeting, decided that, should the General Assembly adopt the draft resolution as recommended by the Sixth Committee in its report (A/52/648), an additional appropriation of $245,200 under programme 4, Legal Affairs, of the proposed programme budget for the biennium 1998-1999 would be required, subject to the guidelines for the use and operation of the contingency fund adopted by the General Assembly in its resolution 42/211 of 21 December 1987.

The Acting President: It is my understanding that the Secretariat has been notified that no separate vote will be requested on the draft resolution in the General Assembly. We shall therefore proceed to take action on the draft resolution as a whole.

The Sixth Committee adopted the draft resolution as a whole without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 52/156).

The Acting President: I give the floor to the representative of the United States of America, who wishes to make a statement in explanation of position.

Mr. Spitzer (United States of America): The United States strongly supports the International Law Commission and appreciates the efforts the Commission has made to increase its efficiency and effectiveness. We are concerned, however, that, as the Secretariat has indicated, the arrangements proposed by the Commission for its 1998 and 1999 sessions have budgetary implications.

We recognize that the Commission considers the arrangements for its 1998 session to be necessary to accommodate an important codification conference. Nevertheless, the financial implications of this arrangement make it unacceptable to my delegation. Similarly, it is the view of the United States that the 1999 session should be of 10 weeks' duration, as is foreseen in the current budget.

In view of our support for the Commission and its work, however, we did not object to the adoption of this resolution without a vote.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 147?

It was so decided.

Agenda item 148

Report of the United Nations Commission on International Trade Law on the work of its thirtieth session

Report of the Sixth Committee (A/52/649)

The Acting President: The Assembly will now take decisions on the two draft resolutions recommended by the Sixth Committee in paragraph 10 of its report contained in document A/52/649.

We turn first to draft resolution I, entitled "Report of the United Nations Commission on International Trade Law on the work of its thirtieth session".

The Sixth Committee adopted draft resolution I without a vote.

May I take it that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 52/157).

The Acting President: Draft resolution II is entitled "Model Law on Cross-Border Insolvency of the United Nations Commission on International Trade Law".

The Sixth Committee adopted draft resolution II without a vote.

May I take it that the Assembly wishes to do the same?

Draft resolution II was adopted (resolution 52/158).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 148?

It was so decided.

Agenda item 149

Report of the Committee on Relations with the Host Country

Report of the Sixth Committee (A/52/650)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 15 of its report contained in document A/52/650.

It is my understanding that the Secretariat has been notified that no vote is requested on the draft resolution in the General Assembly.

May I take it that it is the wish of the General Assembly to adopt the draft resolution without a vote?

The draft resolution was adopted (resolution 52/159).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 149?

It was so decided.

Agenda item 150

Establishment of an international criminal court

Report of the Sixth Committee (A/52/651)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report contained in document A/29/651.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 52/160).

The Acting President: I call on the representative of the Netherlands, who wishes to speak in explanation of position.

Mr. Verweij (Netherlands): The Netherlands delegation has just joined the consensus adoption of the resolution on the establishment of an international criminal court, as contained in the report of the Sixth Committee in document A/52/651.

The Netherlands Government is highly pleased with the most important decision to convene a diplomatic conference at Rome from 15 June to 17 July 1998 and is

grateful to the Italian Government for hosting the conference.

The Netherlands Government attaches particular importance to the promotion of universal support for the international criminal court and to participation in the conference by the largest number of States. Earlier this year, the Netherlands contributed $100,000 to the trust fund for the participation of the least developed countries. Six other States also gave donations. It was reported that 10 States have utilized the trust fund to facilitate their participation.

The resolution just adopted requests the Secretary-General to establish a trust fund for voluntary contributions towards meeting the cost of participation in the work of the Preparatory Committee and the Conference of those developing States not covered by the trust fund for the least developed countries. In light of the importance of the establishment of the international criminal court and the participation of all States in the negotiations, the Netherlands Government has decided to contribute voluntarily to this newly established fund in the amount of $50,000. The Netherlands would like to express the hope that other States will make voluntary contributions as well.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 150?

It was so decided.

Agenda item 151

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Report of the Sixth Committee (A/52/652)

The Acting President: The Assembly will now take a decision on the three draft resolutions recommended by the Sixth Committee in paragraph 16 of its report in document A/52/652.

We turn first to draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The Sixth Committee adopted draft resolution I without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 52/161).

The Acting President: Draft resolution II, "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution II was adopted (resolution 52/162).

The Acting President: Draft resolution III, entitled "Amendment to rule 103 of the rules of procedure of the General Assembly", was adopted by the Sixth Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution III was adopted (resolution 52/163).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 151?

It was so decided.

Agenda item 152

Measures to eliminate international terrorism

Report of the Sixth Committee (A/52/653)

The Acting President: I now call on representatives wishing to make statements in explanation of vote before the voting.

Mr. Mirzaee-Yangejeh (Islamic Republic of Iran): I wish to explain the position of my delegation concerning draft resolution I in document A/52/653.

International terrorism, one of the most troublesome phenomena of contemporary international relations, has never been confined to certain parts of the world. My country, like many other States, has suffered immensely from the harsh impacts of this inhumane phenomenon in past years. We therefore share the increasing concern of the international community over acts of terrorism carried out in different forms and manifestations by individuals, groups and States, taking the lives of innocent civilians

and causing irreparable material damage as well as mental and emotional anguish. The Islamic Republic of Iran is determined to take decisive measures, along with the other members of the international community, towards the elimination of international terrorism.

My delegation did not oppose the adoption of draft resolution I in the Sixth Committee and will not object to its approval by the General Assembly. However, we would like to register our reservation with regard to paragraph 2 of article 19 of the draft International Convention for the Suppression of Terrorist Bombings. This paragraph is unprecedented and is not included in any of the existing instruments relating to combating terrorism. The phrase "in the exercise of their official duties" contained in this paragraph is vague and has not been defined in this draft or any other relevant international instrument. Thus, it leaves room for a broader interpretation of the immunities of military forces than is provided for in general international law. We are of the opinion that it is imprudent to include such an imprecise and politically compromised term in the draft convention, which is assumed to be the basis for the prosecution and punishment of the culprits who commit such criminal acts.

Furthermore, we would like to recall that non-use of force or threat of use of force in international relations is a Charter obligation of all Member States. Labelling the activities of the military forces of States as "official duties" cannot and should not be justified in any circumstances if such activities run counter to the accepted norms and principles of international law.

Mr. Kamal (Pakistan): Pakistan strongly condemns terrorism in all its forms and manifestations. We condemn terrorism wherever perpetrated, whether by individual groups or by States, or whether it results in violence or threat of violence against innocent persons. Terrorism is repugnant irrespective of the motivation involved. We ourselves have been victim of terrorist acts, including cross-border terrorism. We understand the implications of the scourge of terrorism.

In this spirit, we actively contributed to the proceedings of the Ad Hoc Committee and the Working Group. Their task was to draft the text of the International Convention for the Suppression of Terrorist Bombings. The Ad Hoc Committee and the Working Group could not complete their work.

Given the wide divergences of views in this area of international law, the Group submitted an incomplete report to the Committee. The draft included no language for a set of articles which were numbered as articles 1.4 and 3 in the original proposal.

The Committee did not accept our proposal, supported by several other States, that the Ad Hoc Committee continue its work. We believed that it would have been useful to reach consensus language on the areas of differences.

We therefore continue to believe that the Convention has very serious gaps in the preamble and in other areas. We would like to state our objections as follows and enter our reservations on the articles to which they relate.

First, the Convention does not include references to a comprehensive understanding of the issue of terrorism. As stipulated in its resolutions 40/61 and 46/51, the General Assembly has been consistently stressing that all States should contribute to the progressive elimination of the causes underlying terrorism. The Assembly urged States to pay special attention to all situations, including colonialism and situations involving massive and flagrant violations of human rights and fundamental freedoms. The States were also urged to attend to those situations involving alien occupation that might give rise to international terrorism and might endanger international peace and security.

The Convention takes no step to fulfil this mandate of the General Assembly. It also does not reflect the essential distinction between terrorism and the legitimate struggle of peoples for self-determination.

Second, article 2 includes the words "unlawfully and intentionally", which indicate approbation of certain forms of terrorism.

Third, the Convention grants exception from the scope of its application to the activities of military forces. The eleventh preambular paragraph, article 1, paragraph 4, and article 19, paragraph 2, replace the content of article 3 in the original proposal. These articles still do not reflect views based on the consensus language of the International Convention against the Taking of Hostages. On the basis of that precedent, the Convention should have excluded from its application the situations of armed conflict, as defined in article 1, paragraph 4, of Protocol I to the Geneva Convention of 1949. These are the situations in which people are fighting against colonial domination, alien occupation and racist regimes in the exercise of their right to self-determination.

The deletion of article 19, paragraph 2, had been proposed. It could not be accepted as drafted. Its formulation sanctified State terrorism. State terrorism is the most ignoble form of terrorism. The Non-Aligned Movement, at its summit meeting in Jakarta in September 1992, condemned the use of State power for the suppression of, and use of violence against, innocent civilians struggling against foreign occupation to exercise their inalienable right to self-determination. It also denounced the brutalization of peoples kept under foreign occupation as the gravest form of terrorism. We believe, therefore, that terrorist activities of the military forces of the State cannot be excluded from the scope of this Convention.

Article 19, paragraph 2, stipulates that the activities undertaken by military forces of a State in connection with their official duties will be governed by other rules of international law and not by this Convention. This would make any type of activity by the armed forces immune from the application of this Convention, even if such activity amounted to terrorism. We believe that only those activities of armed forces undertaken pursuant to Chapters VII and VIII of the Charter of the United Nations can be immune from the scope of this Convention.

We would thus have preferred that paragraph 2 of article 19 not be included in the text. If it were to be included, article 19, paragraph 2, should have ended with the words "are not governed by this Convention", where they appear for the first time in line three. Then, through a further amendment, the words "which are governed by" in the second line should have been replaced by the words "insofar as they conform to". Article 19, paragraph 2, would then have read as follows:

> "The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, insofar as they conform to that law, are not governed by this Convention."

Fourth, the eleventh preambular paragraph should have included references to relevant instruments of international humanitarian law applicable in armed conflicts.

Fifth, the definition given in article 1, paragraph 4, must also conform to the provisions of Protocol I to the Geneva Convention of 12 August 1949.

Sixth, we had also submitted that paragraphs 1 and 5 of article 9 should have been made subject to domestic law. The obligations as stated in that article cannot be assumed in view of domestic law constraints.

Seventh, article 11 does not align its language to the provisions of our laws which only recognize offences of a political nature.

Eighth, and finally, in article 22, paragraph 1, the requirement of only 22 ratifications for the entry into force of the Convention is highly inappropriate for an Organization of 185 Members. This figure of 22 can be suitable only for a subregional organization. The number of ratifications should have been fixed at one third of the total membership of the United Nations.

We therefore enter our reservations to the following articles of the Convention: article 2, paragraph 1; the set of articles relating to the exception given to the activities of military forces in article 19, paragraph 2, article 1, paragraph 4, and the eleventh preambular paragraph; article 9, paragraphs 1 and 5; article 11; and article 22, paragraph 1.

Pakistan remains committed to the elimination of the evil of terrorism in all its forms and manifestations. We are determined to put the sinister threat of terrorism to an end. In view of these considerations, we have decided to join the consensus on this Convention subject to the above reservations.

We would also like to comment on draft resolution II, "Measures to eliminate international terrorism". We note that this year's draft resolution on measures to eliminate international terrorism this year includes a reference to all relevant resolutions of the General Assembly on terrorism. This represents only a reluctant acknowledgment of the mandate given by the Assembly in resolutions 40/61 and 46/51. Those resolutions emphasized the need for the progressive elimination of the causes underlying terrorism.

We will continue to work with the Legal Committee to expand the scope of its work on measures to eliminate international terrorism so as to include in its deliberations all aspects of terrorism that were addressed in resolutions 40/61 and 46/51.

Ms. Flores Liera (Mexico) (*interpretation from Spanish*): As a demonstration of its firm support for the struggle against international terrorism, my delegation

will join the consensus in adopting draft resolution I contained in document A/52/653, by which the Assembly would adopt a new International Convention for the Suppression of Terrorist Bombings. We are convinced that the effectiveness of our work to combat this scourge calls for joint, consensus decisions by the community of nations.

The negotiation of the Convention that we will shortly be adopting was particularly complex and called for great willingness to compromise on the part of all the delegations participating in the work. Like any text adopted under such circumstances, it contains elements that will need to be looked at domestically.

Given the magnitude of the phenomenon of terrorism, we would have preferred the instrument to be broader in scope and of more general application. At the same time, we feel it would have been desirable for the content of certain of its provisions to be more precise.

With respect to article 11, Mexico understands the expressions "an offence connected with a political offence" and "an offence inspired by political motives" to refer to the same idea: a political offence in the strict sense, as specifically defined by different national legal codes.

Finally, with respect to article 19, my delegation wishes to reiterate that only those activities of armed forces that are governed by other rules of international law are beyond the scope of this Convention.

Mr. Obeid (Syrian Arab Republic) (*interpretation from Arabic*): We joined the consensus in the Sixth Committee on draft resolutions A/C.6/52/L.13 and A/C.6/52/L.24, as contained in document A/52/653, and will not oppose the consensus in plenary. However, we should like to explain our position and our understanding of these draft resolutions, as well as our reason for joining the consensus.

My delegation joined the consensus on the draft resolution entitled "Measures to eliminate international terrorism" because we wish to continue helping in the search for practical measures to combat international terrorism, which we condemn in all its forms and manifestations, because we believe in the need to defeat this phenomenon. However, we have always stressed the need for a clear definition of international terrorism that is generally agreed.

As to this definition, we emphasize our belief in the need for a clear distinction between terrorism, which we condemn, and the struggle of peoples under foreign occupation to realize their legitimate right to resist it and to liberate their territories, in accordance with the Charter and relevant resolutions of the United Nations and with international law. We believe that resistance is legitimate, not terroristic. The equation of terrorism with legitimate resistance to occupation is a misinformation of international public opinion and contravenes international conventions and laws.

On this basis, we consider the opposition to the inclusion in the draft resolution of a clear distinction between the terrorism that we condemn and the legitimate right to resistance, as well as of a reference to General Assembly resolution 46/51, whose importance we emphasize, to represent a rejection of international cooperation in the combat against terrorism on a sound basis. It also represents a manifest desire to impose an erroneous concept and to falsely exploit ambiguity against countries accused of terrorism without proof or evidence. These countries have the right to resist and to a legitimate defence of their interests. Occupation and the exercise of all forms of foreign and arbitrary domination of occupied peoples are manifestations of state terrorism that we must endeavour to eradicate. Our first duty is to safeguard and guarantee the fundamental rights of individuals in accordance with international norms and the United Nations Charter.

The Syrian Arab Republic has suffered greatly from terrorism. We are convinced that it should be strenuously combated within the framework of international cooperation aimed at eradicating and preventing it in all its manifestations on land, in the air or by sea. We therefore joined the consensus in the Sixth Committee and will join it here in plenary. We reiterate that our country is party to the most important treaties to combat this dangerous phenomenon and is ready to cooperate further and engage in further action in that regard.

My delegation also insisted on including a reference to resolution 46/51 because of its importance in emphasizing the legitimate right to resist occupation and to distinguish it from terrorism. The clear reference in the draft resolution to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations reiterates the importance of the right of all peoples to self-determination, bearing in mind the special situation of peoples under occupation and other forms of foreign domination and the recognition of the right of peoples to take any legitimate measure, in keeping with the United Nations Charter, to realize their inalienable right to self-

determination. My delegation also welcomes the inclusion in the draft resolution of paragraph 4, which calls upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to avoid the dissemination of inaccurate or unverified information related to terrorism.

As for the draft convention annexed to draft resolution I in document A/52/653, my delegation also joined the consensus in the Sixth Committee in favour of the draft resolution and will join the consensus in plenary on the following bases:

First, Syria condemns and fights against all forms and methods of terrorism. However, we distinguish clearly between terrorism, an offence severely punishable by national law, and legitimate resistance to foreign occupation. Here, we would refer once again to the fact that Syria has joined most of the international conventions on these offences.

Secondly, in my delegation's opinion, not enough time was allowed to undertake extensive research on the content of the draft resolution. The hurried and selective approach to proposals made by delegations, as well as the neglect of and lack of time to study others, led to lacunae in the text of the draft resolution and a failure to make it more balanced and clear. We are now faced with a convention that deals with the most serious of crimes and offences — terrorism — without defining it or attempting to eradicate the doubts arising from the ambiguity of the term, which is being used for the first time in the title of an international convention. The lack of a definition of terrorism in such a convention is astonishing and frustrating, because it runs counter to the usual United Nations working methods and to the basic principles for drafting the most important elements of international conventions.

We are also astonished because the draft resolution makes no reference to important consensus resolutions of the General Assembly on the issue of terrorism, in particular resolution 46/51. The delegation of the Syrian Arab Republic is determined to maintain the Sixth Committee's method of work by consensus and its decision-making mechanism. Because of our keen interest in developing new legal methods of combating terrorism, which we condemn in all its forms and manifestations, we have limited ourselves to making the observations that we have just presented.

We would have preferred the convention to include a clear distinction between the crime of terrorism and the legitimate right of peoples to resist occupation by any method they deem to be in keeping with international legitimacy, especially the United Nations Charter and international humanitarian law, and with the clear distinction between terrorism as a crime and legitimate resistance. We reemphasize the great importance of the eleventh preambular paragraph of the draft resolution, because it links the activities of military forces to international law. The exception of certain actions from application of the Convention does not mean that we condone illegitimate acts, legitimizing them or stopping their prosecution under other laws.

The following phrase should have been inserted in article 19, paragraph 2:

> "legitimate actions which are taken according to the Charter of the United Nations and international law."

This addition would make the text clearer and more transparent, especially because we have not included a definition of "official duties" and because there is no mention of the norms applicable to them. This represents a very serious shortcoming in the drafting of the Convention, especially because that ambiguity and confusion may result in military forces undertaking terrorist acts as part of their official duties to which the Convention does not apply. However, this Convention has been drafted in order to combat terrorism by individuals and not to give legitimacy to the actions of military forces.

These are some of my delegation's observations. However, we are keen to reach consensus because of our deep desire to combat terrorism. We hope that concerted efforts will be made and that better methods will be introduced into our future work so that all points of views and proposals by delegations will be taken into account equally and without double standards or selectivity in their treatment.

The Acting President: I would like to remind speakers that explanations of vote are limited to 10 minutes.

Mr. Suheimat (Jordan) (*interpretation from Arabic*): I would like to make a few remarks on the draft resolution entitled "International Convention for the Suppression of Terrorist Bombings", which is contained

in document A/52/653 and is being considered under agenda item 152.

Jordan reiterates its condemnation of international terrorist acts in all their forms, condemns the perpetrators of all such acts and calls for the heaviest punishments for them. We would like to pay tribute here to the United Nations for its role in the adoption of international decisions and declarations aimed at eliminating international terrorism.

We have followed with keen interest the work of the Ad Hoc Committee established by General Assembly resolution 51/210 and the Working Group of the Sixth Committee on a draft International Convention for the Suppression of Terrorist Bombings. We welcome that Convention and are prepared to commit ourselves to its rules and provisions.

However, we would like to place on record our reservations with regard to article 19, paragraph 2, which contains an exception for acts and other activities committed by military forces with regard to armed conflicts, and activity undertaken by the military forces of a State in the performance of their duties because those acts are governed by other rules of international law. We do not believe that those acts should be exempted from the application of the rules of this Convention.

Mr. Gao Feng (China) (*interpretation from Chinese*): China has always had a clear-cut and consistent position on the question of the suppression of international terrorism: we are against international terrorism in all its forms and manifestations. We are also against using terrorism as a means of achieving political aims. We oppose acts of any State or organization to organize or encourage international terrorism.

We have not only acceded to most of the international conventions relating to the suppression of international terrorism, but have also participated actively in the work of the Ad Hoc Committee and the Working Group to negotiate the draft International Convention for the Suppression of Terrorist Bombings. Although many delegations made enormous efforts, the Working Group, meeting from 22 September to 3 October, failed to reach a consensus on all the articles of this Convention, and some important questions remained unresolved.

My delegation has always advocated resolving these outstanding questions through consultations and discussions. Regrettably, when the draft was presented for consideration in the Sixth Committee there had been no full consultations among countries regarding some controversial articles. There has therefore been no reasonable solution. On the contrary, the Convention was adopted in the Committee in disregard of the differing opinions of some countries. Some of the provisions and articles contained in the Convention have thus not been accepted by all countries.

In view of this, my delegation cannot take part in the decision on draft resolution I, contained in paragraph 18 of document A/52/653.

The Acting President: The Assembly will now take a decision on the two draft resolutions recommended by the Sixth Committee in paragraph 18 of its report contained in document A/52/653.

We turn first to draft resolution I, entitled "International Convention for the Suppression of Terrorist Bombings", which the Sixth Committee adopted without a vote.

May I consider that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 52/164).

The Acting President: The Sixth Committee adopted draft resolution II, entitled "Measures to eliminate international terrorism", without a vote.

May I consider that the Assembly wishes to do the same?

Draft resolution II was adopted (resolution 52/165).

The Acting President: I shall now call on those delegations wishing to make statements in explanation of position.

Mr. Karev (Russian Federation) (*interpretation from Russian*): The Russian delegation welcomes the adoption of the Convention for the Suppression of Terrorist Bombings and views it as an important contribution to the expansion of the international legal basis for combating international terrorism. However, we do have some specific concerns about what has been enshrined in the Convention, namely with respect to the possibility of denying in certain conditions the extradition and legal assistance given with regard to crimes which fall under the Convention.

In this connection, we would like to inform the General Assembly of our position of principle on this question, which consists in the following. The Russian Federation believes that the provisions of article 12 should apply in such a way as to ensure definitive responsibility for the crime committed which falls under the Convention without prejudice to the effectiveness of international cooperation on the questions of extradition and legal assistance. This also applies to paragraph 5 of article 9, which deals with bringing other extradition treaties and arrangements between States parties in line with the Convention on the Suppression of Terrorist Bombings.

Ms. Baykal (Turkey): Turkey welcomes the adoption by the General Assembly without a vote of the International Convention for the Suppression of Terrorist Bombings. The Convention has significant importance since it is the first global legal document to recognize terrorist bombings as crimes. While welcoming the adoption of the Convention by the General Assembly, we would like to express our position for the record regarding certain articles of the Convention.

The scope of the Convention is determined by its article 2. It is a very positive development that the article recognizes an act committed with the intent to destroy property as a crime. On the other hand, it is a serious shortcoming of the article that it does not recognize that an act committed for the sole purpose of provoking a state of terror in the general public or in a group of persons or particular persons as a crime. It is well known that most terrorist crimes are committed with the sole intention of provoking terror.

The Convention adopted a few minutes ago is an extradition Convention. My delegation has, from the beginning of the deliberations on the Convention, worked to strengthen the extradition provisions to guarantee that individuals who commit crimes in the scope of the Convention do not do so with impunity, as sometimes happens. The current text of articles 9 and 12 should not be interpreted in such a way that these offenders are neither tried nor persecuted. Furthermore, we believe that mutual legal assistance and extradition are two different concepts and that the conditions for rejecting a request for extradition should not be valid for mutual legal assistance.

Article 19 of the Convention clearly establishes that the Convention does not govern the activities undertaken by the military forces of a State. Furthermore, we believe that the first part of the sentence, which states that

> "The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by the law, are not governed by this Convention" [A/52/653, p. 16],

should not be interpreted as giving a different legal status to the armed forces and groups other than the armed forces of a State, as currently understood and applied in international law.

Mr. Hamdan (Lebanon) (*interpretation from Arabic*): My delegation would like to state its position on the draft resolution contained in document A/52/653, entitled "International Convention for the Suppression of Terrorist Bombings". We wholeheartedly share in the general appreciation for the historic event that is the adoption of the International Convention for the Suppression of Terrorist Bombings. My delegation, so as to enable international initiatives to be successful and in a spirit of solidarity with the international community in its efforts to suppress terrorist bombings, did not oppose the adoption without a vote of this draft resolution. We strongly reiterate our condemnation of all terrorist attacks that involve organized acts of violence using explosive devices and other acts directed against civilians.

However, we wish to reaffirm certain basic principles governing Lebanon's position as well as our interpretation of the provisions of the Convention.

First, in the combat against terrorism, international efforts should not lead to partiality or injustice vis-à-vis any party. Secondly, these efforts must be accompanied by similar ones aimed at understanding the root causes of terrorism and its development, as this is necessary to contain, reduce and ultimately to do away with terrorism. We regret that the Convention does not include a definition of terrorist bombings and that so far we have no international definition of the concept of terrorism in general.

Thirdly, we would point out that the reference made in the preamble to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations and to the resolutions adopted previously by the General Assembly, in particular resolution 49/60, which refers back to resolution 46/51, as well as the reference in article 19, that is, the importance of distinguishing between the provisions of that Convention and the provisions of international humanitarian law and of not violating the rights, obligations and responsibilities of States and

individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

We interpret this reference as follows: first, this Convention shall not apply to acts of resistance to foreign occupation and therefore does not apply to resistance to the Israeli occupation of Lebanese territory. Lebanon firmly maintains that acts of resistance against the Israeli occupation of these Lebanese territories do not come under the definition of terrorist acts but are legitimate acts of resistance against the aggressor that is occupying its territories — acts of self-defence in accordance with the principles of international law and of the Universal Declaration of Human Rights.

The Convention does not legitimize Israeli practices in the Lebanese territories occupied by Israel. Furthermore, the Convention does not in any way justify Israeli practices or the continued Israeli occupation of Lebanon's territories. This occupation remains one of the odious manifestations of State terrorism.

Fourthly, we would stress that article 19, paragraph 2, cannot be interpreted as making lawful certain illegal actions undertaken by the armed forces of any State. All States have always been obliged to see to it that the practices of their institutions, including their armed forces, fall within the legal scope of the Charter of the United Nations and international law. Any rule that goes against these noble principles of international law is necessarily null and void, in keeping with the provisions of the Vienna Convention on the Law of Treaties.

Our delegation hopes that no State party will take advantage of the ambiguity of some of the language contained in this paragraph to undertake illegal military actions. No provision of this Convention justifies terrorist acts by any State. This interpretation, to which we attach great importance, is reaffirmed in the eleventh preambular paragraph.

Moreover, we consider that the phrase "inasmuch as they are governed by other rules of international law" that appears in paragraph 2 of article 19 means that the activities undertaken by military forces of a State in the exercise of their official duties are governed by rules of international law.

Fifthly, Lebanon reaffirms its intention to respond favourably to any request for cooperation made by any State party in the framework of existing international or national law. Here we hope that other States parties will give most serious consideration to requests for extradition as mentioned in article 12, and that they will not have recourse to the exceptions mentioned in that article except in exceptional circumstances. It is necessary also to ensure the implementation of paragraph 4 of article 6, paragraph 1 of article 7 and paragraph 1 of article 10.

Paragraph 3 of article 6 refers to notifying the Secretary-General of the jurisdiction a State has established in accordance with paragraph 2 of the same article; in our view, this means that the Secretary-General should make such information public without delay.

Mr. Wenaweser (Liechtenstein): In explaining our position on the resolution entitled "International Convention for the Suppression of Terrorist Bombings", which has just been adopted without a vote, I would like to state first and foremost that Liechtenstein condemns terrorism in all its forms and manifestations, wherever and by whomsoever committed, and whatever reasons may be invoked to justify such acts. We would also like to take this opportunity to express our sympathy with the victims of terrorist acts world wide. At the same time, we reiterate our view that measures to combat terrorism have to be in full accordance with international human rights standards.

Liechtenstein welcomed the adoption of resolution 51/210, which, *inter alia*, established an Ad Hoc Committee, the mandate of which included the elaboration of a convention for the suppression of terrorist bombings. We are gratified to note that it has been possible to adopt such a convention, which, we hope, will make a major contribution to enhancing international cooperation to combat terrorism.

We wish to state for the record our understanding of paragraph 2 of article 19, which was the subject of lengthy and indeed very difficult negotiations. The outcome of those complex discussions is acceptable to us because paragraph 2 of article 19 states that the activities undertaken by military forces of a State in the exercise of their official duties do not fall within the purview of the Convention to the extent that they are the subject of other rules of international law. The Convention, thus, does not grant an overall exception to activities by military forces from the scope of application of the Convention. In our view, this ensures an application of this provision that is consistent with existing international law.

It was with that understanding that we joined in the consensus in adopting the Convention, and is with that understanding that we will submit the Convention to our national authorities for consideration.

Ms. Wong (New Zealand): New Zealand joined consensus on the adoption of the resolution opening the International Convention for the Suppression of Terrorist Bombings for signature, and wishes to make the following comment. During the course of our negotiations, much consideration was given to the relationship between this new Convention, establishing a global "prosecute-or-extradite" regime for those who conduct terrorist bombings, and the activities of military forces of a State.

The partial exclusion in article 19 of certain actions of military forces from the scope of the Convention in no way affects an important general principle. That principle is that members of military forces of a State may be held individually criminally responsible whether or not the State of which they are nationals is also responsible for their actions. The applicability of that principle is made very clear first in the preamble and secondly in the operative provisions.

Article 19 of the Convention was carefully drafted, and reflects the view held by New Zealand and others that the exclusion of certain actions of military forces of a State from the Convention's ambit does not preclude members of the military forces of a State from legal jurisdiction and prosecution where their conduct has been unlawful. To the extent that those activities are governed by other law, that other law may apply. To the extent that they may not be governed by other law, this Convention may be applied.

Since Article 19 does not propose to limit obligations under other law, extradition treaties, like other law, are not reduced in effect. Paragraph 5 of article 9 is consistent with this understanding.

Mr. Sergiwa (Libyan Arab Jamahiriya) (*interpretation from Arabic*): We joined in the consensus on draft resolution I in document A/52/653, entitled "International Convention for the Suppression of Terrorist Bombings", because of our firm position condemning international terrorism in all its forms and manifestations. We believe that the adoption of this resolution will prove to be an important step towards fostering international cooperation in the suppression of terrorist bombings and in prosecuting their perpetrators, especially because my country has been and continues to be a victim of terrorist practices by certain major States.

Permit me to clarify our position on this resolution. First, our interpretation of the reference in the third preambular paragraph to the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations is that the present Convention has no provisions that could in any way affect the right of peoples under foreign colonialism, domination or occupation to take the legitimate steps necessary for them to exercise their inalienable rights of self-determination, freedom and independence in accordance with the provisions of the United Nations Charter and the rules of international law.

Secondly, the exception in paragraph 2 of article 19 of the Convention regarding activities of armed forces of a State in the exercise of their official duties should apply only to legitimate acts carried out by States within the framework of international law and the Charter of the United Nations. We state our reservations with respect to exempting from the applicability of the Convention any illegal act by States, such as occupation, aggression, interference in the internal affairs of other States, and any other act proscribed by international law.

This is in order not to bestow legitimacy on State terrorism, since this is the most horrible form of terrorism.

Thirdly, my delegation considers that the text of the Convention still suffers from many shortcomings, which if given enough time in meetings would have been rectified. As examples, we cite the lack of a definition of "terrorist bombings", and the reference to the "armed forces" in paragraph 4 of article 1, which is considered beyond the scope of the Convention, and the clear contradiction between article 11, which provides for mutual legal assistance among States, regardless of the political motives for a crime, and article 12, which excludes mutual legal assistance if the State requested to extradite has reasons to refuse such extradition.

We have joined the consensus on draft resolution II as well, entitled "Measures to eliminate international terrorism". Our interpretation of this draft resolution is that it should not affect the rights of people living under foreign domination or occupation in their legitimate struggle to put an end to that foreign occupation or domination, as has been reiterated in many General Assembly resolutions, in particular resolution 46/51, which was adopted by consensus.

Mr. Rosenstock (United States of America): Since my delegation did not explain its vote in the Committee, even though there is no change in circumstance, we feel completely uninhibited in explaining our vote at this stage of the consideration.

Some of the comments that have been made this afternoon are noteworthy. We, for example, agree 100 per cent with the representative of Pakistan and others who have pointed out that nothing in the instruments we have adopted today justifies terrorism by reference to its causes. That is completely consistent with the Declaration on terrorism adopted at the forth-ninth session of the General Assembly.

We regret only that there was not a more careful reading of article 19, paragraph 1.

The United States is pleased at the consensus adoption of the draft United Nations International Convention for the Suppression of Terrorist Bombings both in the Sixth Committee and in the plenary. This represents a major achievement of the fifty-second session of the General Assembly. The United States delegation wishes particularly to note the outstanding leadership and guidance of Ambassador Philippe Kirsch, Chairman of the Ad Hoc Committee established to elaborate the Convention, as well as the members of the Bureau, who worked hard to conclude this instrument successfully. We are also grateful for the excellent support provided by the Secretariat this past year to the Working Group in the Sixth Committee.

Finally, we applaud the hard work, innovation and deep commitment of all those who participated in the drafting of this instrument. Together we have reached common ground in order to advance our common goal of combating international terrorism.

This new legal instrument will be an extremely important addition to the international legal framework addressing terrorism. The Convention is well drafted; its provisions on offences and bases for jurisdiction can readily be implemented in domestic criminal law. The Convention advances extradition law by addressing the issue of the transfer of persons for trial, an innovation in this type of legal instrument. Significantly, the Convention disallows the political-offence exception in extraditions for the defined offences, while preserving the right to deny assistance on the basis of improper motivation by the requesting State.

The Convention creates a legal basis for international mutual legal assistance for investigations or criminal or extradition proceedings brought in respect of offences therein. And the Convention is clear in article 19, paragraph 2, as to the areas to which it does not apply — that is, to the activities of armed forces in the course of an armed conflict and the activities of military forces of a State in the exercise of their official duties.

It does not say, as one delegation suggested, "to the extent"; it says something else entirely. There seems to be substantial and insufficiently noted confusion between article 19, paragraph 1, on the one hand, and article 2, paragraph 4, of the Charter, which speaks to the legality or illegality of the use of force.

The Convention for the Suppression of Terrorist Bombings represents a major step forward in the joint effort of the international community to eliminate international terrorism. The United States looks forward to the entry into force of this Convention in the very near future.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 152?

It was so decided.

Agenda item 155

Amendment to article 13 of the statute of the United Nations Administrative Tribunal

Report of the Sixth Committee (A/52/654)

The Acting President: The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report contained in document A/52/654.

The Sixth Committee adopted the draft resolution without a vote.

May I consider that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 52/166).

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 155?

It was so decided.

The Acting President: The General Assembly has thus concluded consideration of all the reports of the Sixth Committee.

Agenda item 44 *(continued)*

The situation of democracy and human rights in Haiti

Report of the Secretary-General (A/52/687)

Draft resolution (A/52/L.65)

Mr. Petrella (Argentina) (*interpretation from Spanish*): With respect to the item entitled "The situation of democracy and human rights in Haiti", I am pleased to inform the Assembly that the following countries should be added to the list of sponsors of draft resolution A/52/L.65: Antigua and Barbuda, Barbados, Belize, Costa Rica, the Dominican Republic, El Salvador, Grenada, Guatemala, Honduras, Santa Lucia, Suriname and Trinidad and Tobago.

Mr. Lelong (Haiti) (*interpretation from French*): I welcome the fact that the General Assembly is meeting again to consider the item entitled "The situation of democracy and human rights in Haiti", which has been on its agenda since 1991. I should like to express our thanks for the interest that the Assembly has always taken in this question.

I wish to take this opportunity to pay tribute to Mr. Enrique ter Horst, the Special Representative of the Secretary-General for Haiti, who has come to the end of a mission that he has carried out with skill and dedication. I must thank in particular the Friends of the Secretary-General on the question of Haiti — Argentina, Canada, Chile, France, the United States of America and Venezuela — as well as the members of the European Union for their steadfast support for the cause of democracy and human rights in Haiti. I must also thank the member countries of the Group of Latin American and Caribbean States and, in particular, the countries of the Caribbean Community (CARICOM), for their fraternal and unwavering solidarity.

It is now three years and two months since the restoration of constitutional order enabled the Haitian people bravely to take up again the task of creating a State based on the rule of law and a democratic regime capable of ensuring increasing respect for the political, economic and social rights of all citizens.

In this challenging task, which is being undertaken in the context of the severe deterioration in general conditions in the country following the *coup d'état* and the difficulties inherent in the abuse of political and economic power by past dictatorships, the Haitian people have benefited from a variety of assistance measures from the international community. In this regard, we must note in particular the contribution made by the International Civilian Mission to Haiti (MICIVIH), a joint Mission of the United Nations and the Organization of American States, which is of limited size, but which worked effectively in carrying out its mandate to strengthen institutions that are the basis for the protection and promotion of human rights. It is fitting here to pay tribute to the Executive Director, Mr. Colin Granderson, whose knowledge of local conditions and whose sensitivity and devotion have won him widespread respect.

In the broad range of activities relating to the mandate of MICIVIH, we must say that considerable progress has been made. In his letter dated 10 November 1997 addressed to the Secretary-General, President René Préval notes the major contribution made by MICIVIH in strengthening institutions and establishing a democratic culture in support of the Government's efforts in these areas. Similarly, in his report A/52/687 of 18 November 1997, the Secretary-General recognizes that the situation of democracy and human rights has improved considerably, and he stresses in particular progress made in the functioning of the National Police two years after it was established, as well as a marked improvement in living conditions in prisons. The report states,

> "fundamental liberties continue to be widely enjoyed". [A/52/687, para. 8]

However, our happiness over these positive signs should not in any way prevent us from taking note of the major shortcomings that need to be redressed or of the fragility of certain achievements that must be consolidated.

In addition to the various problems of daily life that test the inexperience of the Haitian National Police, its

lack of equipment, its limited force size and its institutional deficiencies, the force also has to deal with an eruption of criminal activity, which is keeping society in dire straits. These are acts of astounding cruelty, attributed largely to convicts of Haitian origin who have returned from North America, and who now number more than a tenth of the National Police force.

The impact of the trade in and consumption of illicit drugs is also a factor in this situation. Although the police have recently succeeded in disbanding a number of armed gangs, as well as drug-trafficking and car-theft rings, limited institutional development has reduced the effectiveness and professionalism of the force.

The third part of the threefold structure that underpins human rights, and which is central to the legitimate demands of the Haitian people, has not kept pace with developments in the police force and the penal administration. Of all the country's institutions, the judicial system seems to be the most complex, requiring more long-term effort, and it tends to create more social friction because its structure is the most eroded. The Ministry of Justice benefited from the cooperation of MICIVIH in the judicial reform plan, which is now being finalized, and whose strategic framework will shortly be completed.

The Office of the Ombudsman was officially opened in Port-au-Prince on 4 November, under the direction of a respected and experienced human rights advocate. The personnel recruited for this purpose were given a number of theoretical and practical training courses in Haiti and Canada, with high-level participation.

Certain mechanisms and key institutions for the promotion of human rights have been created only recently, or are yet to be established. The Haitian Government therefore believes that it would be valuable to have the support of MICIVIH during this period of the strengthening of our institutions. With the agreement of experts from interested international institutions, a mandate of 12 months has been established, until 31 December 1998.

The establishment of a State based on the rule of law, for which we are all working, will be the guarantee of a climate of peace, tolerance and freedom conducive to the consolidation of democracy and sustainable development. Draft resolution A/52/L.65, which is before the Assembly, meets these concerns, and we ask that it be adopted without a vote.

Mr. Duval (Canada) (*interpretation from French*): I have the honour to speak on the agenda item entitled "The situation of democracy and human rights in Haiti" and to express support for draft resolution A/52/L.65, which we hope will be adopted by consensus.

I should like to begin by expressing our appreciation to the International Civilian Mission to Haiti (MICIVIH) and to its staff, in particular the Executive Director, Mr. Colin Granderson, for the outstanding and unfailing contribution they have made to the strengthening of institutions and the promotion of human rights in Haiti. During the past three years of significant changes in Haiti, MICIVIH has remained a reassuring presence, finding innovative ways to assist the authorities and people throughout Haiti in building a more democratic, just and prosperous society.

We are pleased that the draft resolution before us proposes a renewal of the mandate of the International Civilian Mission to Haiti (MICIVIH) for another year, until 31 December 1998. As the Secretary-General stresses in his most recent report, overall institutional development in Haiti remains uneven. We welcome his recommendation that in the next year the Mission focus above all on institutional consolidation and local capacity-building. In this respect, the desire to strengthen MICIVIH's presence in the region deserves our support.

The Secretary-General also recommends that the Mission continue to pay close attention to judicial reform. The extraordinarily slow rate of progress in this area is of great concern to my Government.

As the Secretary-General notes, there have been some positive initiatives and signs of progress here and there, mainly at the local level. However, much more needs to be done. For example, judges' salaries lag far behind those of their colleagues in the police force; prolonged pre-trial detention without charges is a widespread practice; and, when pressed to redress this problem, judges sometimes release some suspects without any further investigation. All of these difficulties undermine efforts to instil respect for the rule of law.

We believe that the link between the need for judicial reform and respect for human rights merits particular attention. As the progress made by the Haitian National Police has gained momentum, the justice system has lagged ever farther behind. This has created an additional challenge for a young, still tentative and inexperienced police force, and the gap between the two

arms of the law enforcement system has unfortunately led to some abuses of power and violations of the basic rights of suspects.

We cannot overemphasize how important it is for the Haitian authorities to continue and strengthen their efforts in the area of judicial reform. In this respect, it is essential for the Haitian political community to surmount the political stalemate that has paralysed the country for a number of months now. The negative impact of this political impasse on the normal operations of Government is evident. Long-term administrative, social and economic reform efforts must urgently be pursued if we wish to avoid compromising the valuable progress made thus far.

Without sustainable economic development in Haiti no progress in the political, judicial or security areas is possible. The one is not possible without the other, and Canada will continue its efforts to assist Haiti in repairing the damage its economy has suffered and in using its natural resources in the most effective manner. To this end, we shall continue our bilateral assistance programme, which provides Haiti with significant resources, and to work closely with the United Nations Development Programme, other United Nations agencies, the international financial institutions and other donor countries in order to coordinate our efforts effectively.

Canada believes that the foundations for democracy in Haiti have been laid and that significant steps have been taken over the past three years to consolidate those foundations, but we know that much more remains to be done. Canada looks forward to assisting the people and Government of Haiti in their continuing efforts to overcome the challenges facing them. We also hope that the international community will be able to continue the significant support that it has provided thus far.

Mr. Thiebaud (France) *(interpretation from French)*: The General Assembly is being asked today to extend the mandate of the International Civilian Mission to Haiti (MICIVIH) to 31 December 1998, in response to the wishes expressed by President René Préval in his letter dated 10 November 1997 to the Secretary-General, in which he requested the continued support of that Mission to carry out the institutional consolidation that is essential for a state of law and for the deepening of the democratic process in Haiti.

In line with the position expressed by Luxembourg, as President of the European Union, the French delegation would like to lend its support to the draft resolution before the Assembly and thus to respond favourably to the request of the Haitian authorities.

United Nations support has indeed played an essential role in the democratic transition in Haiti. As the report of the Secretary-General stresses, the current situation in the country, despite the progress made, remains fraught with uncertainty. There are still many political, social and security difficulties. Our Organization must continue to lend its assistance in this context.

Real progress has, however, been made in Haiti in the area of respect for individual rights and fundamental freedoms, as well as in the formation of a police force that respects the rule of law. In this respect, MICIVIH has made a substantial contribution, notably by strengthening institutions and in human rights education. The International Civilian Mission is thus playing an important role in helping to professionalize the Haitian National Police, as a complement to the United Nations Transition Mission in Haiti, which was succeeded by the United Nations Civilian Police Mission in Haiti, created by the Security Council last 28 November in resolution 1141 (1997).

The progress must be continued in order to consolidate the democratic transition. As stressed by the Secretary-General in his report, the continuation of MICIVIH remains necessary in a climate that is still precarious.

France, which is a member of the group of Friends of the Secretary-General and a sponsor of the draft resolution, has given, and will continue to give, assistance to Haiti in establishing and consolidating a state of law. The French delegation hopes that the draft resolution on this subject will once again receive the unanimous support of the General Assembly.

Ms. Hall (United States of America): The United States strongly supports the recommendations contained in the Secretary-General's report, dated 18 November 1997, on the situation in Haiti. At the request of President Préval and on the recommendation of the Secretary-General, we agree that the mandate of the United Nations portion of the joint International Civilian Mission to Haiti (MICIVIH) should be extended through the end of 1998.

MICIVIH has worked to promote better observance of human rights and the continued development of

democracy in Haiti since 1993, both alone and in conjunction with the United Nations Transition Mission in Haiti. MICIVIH has also played a key role in fostering democratic institutions throughout Haiti. It provides reporting, technical assistance, training and expert recommendations that will enhance the effectiveness of the Haitian National Police, the National Penal Administration and the wider justice system.

The United States has supported MICIVIH's efforts since its inception. Through assessed and voluntary contributions to the Organization of American States (OAS) and the United Nations, my Government is the largest single contributor to MICIVIH. We are proud to again show our support for the joint efforts of the United Nations and the OAS in building a more democratic and just Haiti. In extending MICIVIH's mandate, we stand with the people of Haiti in their efforts to create a stronger democracy and a better future.

Ms. Aguiar (Dominican Republic) (*interpretation from Spanish*): The Dominican Republic joins the other Member States that have spoken in support of the sister Republic of Haiti. As a neighbouring country, the Dominican Republic is the first to be concerned at the Republic of Haiti's political situation and democratic stability. For this reason, my delegation welcomes the return to constitutional legality and the process of restoring the State that our neighbouring and brotherly country has embarked upon. We also appreciate the efforts made to guarantee respect for human rights. However, we note that much remains to be done.

The process of restoring democracy in the Republic of Haiti is a commitment that we should undertake very calmly and responsibly, taking into consideration the serious effects of negative events that have taken place in that country as it seeks a better future.

The current authorities in Haiti have shown that they are on the way towards establishing justice and democracy and that they are committed to helping all the active forces of the country prepare for participation in the reign of civilian power.

We must commend the praiseworthy efforts that the Government of Haiti is making, with the support of the international community, to restore the population's trust in the institutions of power that have been associated with the abuse of basic rights.

The Dominican Republic, mindful of this state of affairs, has set out in its bilateral relations with the Republic of Haiti to try to create the foundations for genuine cooperation between the two nations. By way of example of these joint efforts, we could point to the various joint commissions designed to improve trade and the implementation of programmes in the areas of agriculture and health, *inter alia*.

The Dominican Republic feels that the efforts to maintain peace and security in Haiti, sponsored by the Member States of the United Nations, would be insufficient in themselves if we did not supplement them with resources to relieve the serious economic and social problems besetting the nation.

In this vein, my country appeals to the international community — that, together with the continued presence of the United Nations Mission in Haiti, we effectively respond to and effectively fulfil the commitments regarding economic cooperation we made in 1994 for the recovery and economic development of that sister nation.

(*spoke in French*)

The Quisqueya island, mother of all lands, is two States, inextricably linked, like the parts of a single body: when one of the parts of the body is in pain, the whole body suffers. It hurts us to see the suffering of the people of Haiti.

The Acting President: We have heard the last speaker in the debate on this item.

I should like to inform members that, in order to allow time for the review of the programme budget implications of draft resolution A/52/L.65, action on the draft resolution will be taken at a later date to be announced.

The meeting rose at 6.05 p.m.